HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.25022 of 2006

Dated 27th December 2006

Between:

Nuvvula Srinivas, Gollaguda, Nalgonda Town.

.....Petitioner.

And

The Election Tribunal for settling Election Disputes under A.P Municipalities Act, 1956 cum Senior Civil Judge, Nalgonda and others.

.....Respondents.

HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.25022 of 2006

O R D E R:

1. Heard the counsel on record.

2. The writ petition is filed for a Writ of Mandamus declaring the action of the 2nd respondent in not taking up the appeal preferred by petitioner on 17-10-2006 and the action of the 1st respondent in proceeding with the Election Dispute in O.P.No.123 of 2005, without awaiting the outcome of the appeal preferred by petitioner before the 2nd respondent, as illegal and arbitrary, by consequently directing the 2nd respondent to grant stay in the interlocutory application filed by the petitioner along with appeal on 17-10-2006; award costs and pass such other suitable orders.

3. It is stated by the petitioner that he belongs to Perika Balija Community, which is notified as B.C. "B" category. It is also stated that the petitioner contested for the Post of Councilor from 13th Ward of Nalgonda Municipality elections held in September 2005. He had been declared elected in the said Nalgonda Municipality. It is also stated that some persons who are inimical to the petitioner seem to have filed a complaint before the 3rd respondent herein

for cancellation of B.C-"B" Caste Certificate issued in favour of the petitioner on 19-6-1991 by the Mandal Revenue Officer, Nalgonda by invoking the provisions of A.P. SCs, STs & BCs (Regulation of Issue of Community Certificates) Act, 1993 and the 3rd respondent has readily taken up the matter and without even enquiring into the matter in proper perspective and without giving any opportunity to the petitioner and without following the procedure laid down in the Act, has passed impugned order dated 28-9-2006 in Proceedings No.H7/3787/2006 canceling the Certificate.

4. It is also stated that questioning the said order, the petitioner preferred statutory appeal before the 2nd respondent under Section 7 of A.P (SCs, STs & BCs) Regulation of issue of Community Certificates Act, 1993 on 17-10-2006, along with an application to suspend the said order. But the 2nd respondent had not taken up the matter on his file.

5. It is also stated that one Singam Ram Mohan who had successfully contested election to 13th Ward of Nalgonda Municipality had filed an election petition before the 1st respondent in O.P.No.123 of 2005 and now basing on the cancellation order passed by the 3rd respondent,

the said person is pressing for hearing of the said notice. Certain further facts also had been narrated in Para 5 and 6 of the affidavit filed in support of the writ petition.

6. The 3rd respondent filed a counter affidavit denying the allegations and took a stand that adequate opportunity given to the petitioner was not availed. In the light of the respective stands taken by the parties and in view of the apprehension of the writ petitioner that O.P.No.123 of 2005 would be disposed of basing on the said cancellation order and in view of the fact that a statutory appeal is said to have been already preferred before the 2nd respondent, the 2nd respondent is directed to dispose of the appeal at the earliest point of time preferably within a period of three weeks from the date of receipt of a copy of this order.

7. The Writ Petition is accordingly disposed of. No order as to costs.

(P.S. NARAYANA, J)

Dated 19th December 2006
Note: Issue CC immediately.
(B/O)

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